

The Honorable Richard Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants.

No. 2:20-cv-0111-RAJ

STIPULATED MOTION TO STAY  
SUMMARY JUDGMENT  
BRIEFING

NOTE ON MOTION CALENDAR:  
MAY 17, 2021

**I. STIPULATED MOTION**

Federal Defendants and Plaintiffs respectfully submit this stipulated motion to stay briefing on the parties' cross-motions for summary judgment. The Intervenor Defendants take no position on this motion.

On March 10, 2021, the Court issued a text order setting the following briefing schedule for the parties' cross-motion for summary judgment:

Federal Defendants' combined response to Plaintiffs' motion and reply in support of their Motion for Summary Judgment shall be filed by 5/18/2021. Plaintiffs' reply in support of their motion shall be filed by 6/11/2021. The parties' cross-motions for summary judgment are renoted for 6/11/2021.

ECF No. 125.

Currently, Federal Defendants' combined response and reply is due by May 18, 2021;

1 Plaintiffs' reply is due by June 11, 2021.

2 Federal Defendants and Plaintiffs agree that good cause exists to stay the remaining summary  
3 judgment briefing deadlines due to the intervening decision of the Ninth Circuit Court of Appeals  
4 in this litigation. Specifically, on April 27, 2021, the Ninth Circuit issued an opinion holding that this  
5 Court lacks jurisdiction to review the State and Commerce regulations at issue in this litigation. That  
6 decision will vacate the preliminary injunction entered in this case, ECF No. 94, and instructs that  
7 the case be dismissed. The mandate of the Court of Appeals has not yet issued.

8 Because the Ninth Circuit's decision, should it become final, will terminate this litigation,  
9 good cause exists to stay the current briefing deadlines. Staying the briefing will avoid potentially  
10 unnecessary expense and burden to the parties. Should the circumstances change such that resuming  
11 briefing on the parties' cross-motions for summary judgment would be appropriate, the parties will  
12 so advise the Court.

1 Dated: May 17, 2021

Respectfully submitted,

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Acting Assistant Attorney General

3 ANTHONY J. COPPOLINO  
4 Deputy Director, Federal Programs Branch

5 /s/ Michael F. Knapp

6 Michael F. Knapp

7 Lisa Newman

Trial Attorneys

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**II. ORDER**

Pursuant to the above stipulation, it is so ordered.

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THE HONORABLE RICHARD A. JONES  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2021, I electronically filed the foregoing brief using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: May 17, 2021

/s/ Michael F. Knapp  
Michael F. Knapp